



DESERT AND MOUNTAIN CONSERVATION AUTHORITY

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Department of Regional Planning
320 West Temple Street, Room 1354
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Antelope Valley Area Plan Update Draft Environmental Impact Report SCH #2014061043

Dear Mr. Nadela:

The Desert and Mountain Conservation Authority (DMCA), a joint powers authority of the Antelope Valley Resource Conservation District and Santa Monica Mountains Conservancy, works to protect open space and parkland in the Antelope Valley Planning Area. The DMCA commends the County for its visionary approach to resource management and land use planning that runs throughout the draft environmental impact report (DEIR) for the proposed Antelope Valley Area Plan Update. The proposed planning framework, which targets growth into existing areas with supporting infrastructure, is the *only* sustainable way for the Antelope Valley to grow. The DMCA's September 29, 2011 letter Notice of Preparation (NOP) comment letter was not included in the DEIR NOP comments appendix. That 2011 letter is incorporated by reference into this letter. In the context of this general support, the DMCA makes the following specific comments and suggestions.

Further Limiting Biological Impacts

The DMCA applauds several of the County's mobility policies in the DEIR. In particular, minimizing road pavement widths for both rural highways and local streets, which decreases physical footprint and wildlife movement impacts. Additionally, the plan discourages street lighting which will also benefit light sensitive ecosystems in rural areas. However, vehicle-induced mortality continues to be a leading cause of wildlife mortality in Los Angeles County, affecting common and special status species alike. Without adequate crossing facilities, roads divide habitat blocks and become population sinks. Reducing vehicle-wildlife collisions with road design is both a public safety issue and essential to preserving the Antelope Valley's extraordinary environmental setting.

To address these issues, the DMCA requests the following additional policies:

Policy M 3.6: In rural areas, require wildlife crossing structures to be included in rural highway projects. Encourage the use of clear-span bridges whenever feasible and enlarged culverts elsewhere. Fencing should be designed to funnel wildlife to safe crossing points.

Policy M 3.7: Highway improvement projects should incorporate wildlife crossing features whenever feasible and when within wildlife corridors.

Additionally, the DEIR includes a series of appropriate mitigation measures that limit the Plan's impact. Minor adjustments to those mitigation measures will further strengthen and increase their effectiveness. The DMCA is particularly concerned with how biological resources will be assessed on a project-specific level.

The DEIR includes Mitigation Measure BIO-1, which requires an assessment of biological resources on a project-specific level. Mitigation Measure BIO-1 states in part:

“For proposed projects within SEAs, biological resources assessment report shall be prepared to characterize the biological resources on-site, analyze project specific impacts to biological resources, and propose appropriate mitigation measures to offset those impacts.”

Based on the above provision of Mitigation Measure BIO-1, a thorough project-specific analysis of constraints on-site is not included as part of the biological resources assessment report. To provide adequate mitigation potential, the biological resources assessment report must encourage the avoidance of impacts to biological resources based on the analysis of site constraints and provide detailed, scaled recommendations to avoid such impacts.

The DMCA recommends that the biological resources assessment report include a distinct biological constraints analysis section that identifies, on detailed figures, which area of a project site and any adjacent Joshua Tree Woodlands, wildlife corridors, and other sensitive habitat areas should be free of direct impacts, indirect impacts such as lighting and wildlife impermeable fencing.

Furthermore, mitigation measure BIO-3 is ambiguous and does not contain any strong and clear measures enforcing proposed developments to adequately protect wildlife corridors.

The following revisions would address these points:

Mitigation Measure BIO-3: Proposed developments shall be required to be designed so that wildlife movement corridors/ habitat linkages are left in an undisturbed and natural state to protect and preserve significant, viable habitat areas. When proven infeasible,

proposed developments shall be required to incorporate buffers or other measures adequate to protect such areas. Buffer zones shall be established adjacent to areas of important preserved biological resources, including natural streams and drainages. Such buffer zones shall be of an adequate width so as to protect biological resources from grading and construction activities, as well as from the long-term use of adjacent lands, the need for extensive lighting, and increased erosion and runoff, including winter stream flows.

Trail Dedications Require Funding for Implementation

The DEIR includes a series of policies that strongly promote trail development throughout the Antelope Valley Plan Area. The DMCA strongly supports these policies and looks forward to working with the County to implement the Trails Plan. In the DMCA's experience, required trail dedications from developers are difficult to implement without an attached funding source. Unless dedicated trails are also funded and/or constructed, they often sit idle for years until a receiving entity can open them to the public. This constitutes a temporal loss of recreational resources and should be remedied during the development review process by requiring that trail dedications be fully-funded by the developer. Only provision of a fully-functioning trail system mitigates for impacts to recreational resources.

To address this deficiency, the DMCA requests the following revision to Policy M 10.2:

Policy M 10.2: Connect new developments to existing population centers with trails, requiring trail dedication through the development review and permitting process. Require that trail easements be dedicated to an open space agency or other entity acceptable to the County. Require that, when appropriate, trails be constructed or fully-funded as a development permit condition.

Conservation and Open Space Element Will Protect Sensitive Resources

The Conservation and Open Space Element provides the necessary framework to conserve the Antelope Valley's unique and sensitive natural resources. The DMCA strongly supports both the general thrust and many specific policies contained within this element. Many of the strategies proposed for the County are exactly those used by the DMCA in practice. The County would benefit from adoption of these goals and policies County-wide.

The following addition would further strengthen the Conservation and Open Space Element:

Policy COS 7.6: Encourage agricultural activity in previously disturbed areas to reduce habitat loss.

The Open Space goals outlined in the DEIR are appropriate and beneficial. The DMCA looks forward to partnering with the County in their implementation. Minor policy changes would increase specificity and effectiveness under Goal COS 19. First, in the DMCA's experience, third-party conservation easements are a much more effective mechanism than deed restrictions for protecting open space. The DMCA is able to successfully enforce open space restrictions through this mechanism. Second, the County identifies multiple potential strategies that provide economic incentive for rural land conservation. The DMCA is strongly supportive of innovative conservation strategies, such as Transfers of Development Rights (TDR). The plan should include specificity equal to or greater than the County's Draft General Plan regarding these programs, including implementation timelines. Additionally, the Antelope Valley Plan should state the County's intention to partner with the Cities of Palmdale and Lancaster to create an inter-jurisdictional TDR program encompassing the entire Antelope Valley.

The following policy revisions would address these points:

Policy COS 19.3: Allow large contiguous open space areas to be distributed across individual lots so that new development preserves open space while maintaining large lot sizes that are consistent with a rural environment, provided that such open space areas are permanently protected through conservation easements in favor of an open space agency or other entity acceptable to the County.

Policy COS 19.4: Pursue innovative strategies for open space acquisition and preservation through the land development process, such as Transfers of Development Rights, Land Banking, In-Lieu Fee Acquisition, and Mitigation Banking, provided that such strategies preserve rural character. Pursue partnerships with the Cities of Palmdale and Lancaster to establish inter-jurisdictional land conservation programs.

It is important to clarify and strengthen the process of conservation easements and land dedications. At the minimum, the plan must require conservation easements to be recorded in an Irrevocable Offer to Dedicate, where the offer shall be irrevocable for a period of 21 years from the date of recording. In addition, the applicant shall provide a current title report with hyperlinks to the County for its file and the use of potential easement holders. It must be incumbent on the landowner (and all future owners) to not affect the title in any way that will degrade the easement. The applicant shall also provide a recordable engineer-stamped metes and bounds, and plotted legal descriptions of both the easement and the servient estate. The Offer to Dedicate defines a time period for which the applicant can make appropriate efforts to find a public agency willing to accept the offer. The applicant shall not declare that dedication of a conservation easement is not feasible before the expiration of the offer.

More importantly, the DMCA opposes the ownership and management of open space lots by a homeowners' association (HOA) – particularly if it is not a conservation easement. We have seen cases where, after a development is built and a HOA becomes involved in the management of the open space, it becomes evident that the HOA goals are contrary to the primary mandate of protecting the biological resources in perpetuity. There is also precedence of HOA s allowing open space lots to go to tax default. Conservation easements however, do survive through a tax default sale by the County.

The infeasibility of a dedication of a conservation easement must be defined to ensure that all applicants have demonstrated satisfactory effort in finding a willing non-profit organization or public entity to accept a conservation easement. This section refers to land divisions where open space lots would be provided.

The following addition would strengthen the Conservation and Open Space Element:

Policy COS 19.4: A maintenance agreement with a Home Owners' Association or Property Owner's Association where demonstrated that dedication to the entities above or a conservation easement is infeasible, only when it is demonstrated that there are no conservation-oriented non-profit organizations and government entities, such as a county, city, state, federal, or joint powers authority willing to accept the dedication of conservation easement or dedication of open space lots.

The applicant must have substantial evidence to demonstrate that the dedication of a conservation easement is not feasible. Letters must be obtained from each contacted public agency stating reasons why that particular agency cannot accept the conservation easement or land. Efforts should be made to ensure that all public agencies capable of accepting conservation easements are contacted, including the DMCA.

The DMCA is among one of the many public agencies in the County that is dedicated to the preservation and management of open space, parklands, watershed lands, trails, and wildlife habitat. The DMCA has the flexibility to accept any conservation easement throughout the Antelope Valley. Furthermore, there are other local, state, federal and non-governmental organizations that are also willing to accept conservation easements in order to help implement Conservation and Open Space Element Goal COS 19.

Land Use Goals for High Desert Corridor Should be Included in Plan Update

The High Desert Corridor (HDC) promises to transform the Antelope Valley. Planning for the HDC is far enough along to develop specific land use and other strategies to mitigate its impacts. Setting aside the merits of the project, the DMCA believes that the County should not wait to craft the principles under which the freeway will be planned and should instead proactively address land use impacts in the current plan update.

The DMCA wrote a detailed letter as part of the HDC project scoping in October 2010 (attached) describing the project's potential impacts. In the 2010 letter, the DMCA outlined a two-fold approach to planning for the HDC. First, the physical design of the project should minimize impacts to biological resources including clear-span bridges and other strategies to maximize the permeability of the corridor to wildlife movement. While project design is outside the scope of the plan update, general design principles are appropriate to include as plan policies.

Second, improvements to the transportation system should be evaluated in a dynamic planning relationship with land use policy. In much of Los Angeles County, freeways are constructed or widened without consideration of the land use changes that result. Capacity expansions frequently induce changes in housing and employment patterns that negate congestion-reduction benefits in just a few years after project completion. Without travel demand strategies, such as accurate pricing, and strong land use controls, regional transportation improvements fall victim to commute-related congestion.

Therefore, the DMCA requests the following additional policy:

Policy M 6.9: In planning for all regional transportation systems, consider and mitigate potential impacts to wildlife movement and other biological resources in project selection and design, and coordinate transportation improvements with land use strategies to minimize habitat loss and maximize connectivity.

The construction of the HDC must not prompt a departure from the vision of the plan update. The DMCA is concerned that, without strong land use controls, access to greater remote areas will induce future growth patterns typical of the pre-housing bust Antelope Valley.

The 2010 DMCA letter proposed a series of land use and acquisition mitigation measures that support the draft plan's vision of a mosaic of rural communities amidst an extraordinary environmental setting. The DMCA requests that the plan update narrow the scope of future expected changes to increasing economic opportunity within existing communities. The DMCA further requests that the vision for a limited-access, freight-priority corridor surrounded by open space be incorporated into the County plan. The HDC should only provide access to existing communities and decidedly avoid growth-inducing access to rural preserve areas.

To ensure compatibility of the HDC with the plan's vision statement, the DMCA requests the following policy additions and revisions:

Policy M 5.1: Support the development of the High Desert Corridor to provide a route for truck traffic between Interstate 5, State Route 14, and Interstate 15. Employ travel demand strategies, such as tolls and congestion pricing, to ensure the priority of freight movement on the High Desert Corridor.

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Policy M 6.10: Discourage new transportation improvements in rural preserve areas. Prohibit new freeway interchanges in rural preserve areas, except to provide direct access to existing rural town areas.

DMCA Revisions Would Strengthen Plan Update

The Antelope Valley Area Plan Update is truly a landmark event in the sustainable future of the Antelope Valley. It changes course from decades of poorly managed growth and charts a path forward ameliorating the environmental effects of past decisions. The County deserves credit for advancing a community-based, environmentally sound vision for the Antelope Valley's development. The above changes are minor in nature and complementary with plan's vision statement. The DMCA looks forward to review the Final Environmental Impact Report upon its availability.

If you have any questions, please contact Paul Edelman, Chief of Natural Resources and Planning, at (310) 589-3230, ext. 128.

Sincerely,

JIM DODSON
Chair